

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #15 - Wednesday, May 28, 2014

The Minutes of the Board meeting held on May 28, 2014 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the May 28, 2014 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of May 28, 2014 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3

Mary Pranzatelli - Public Member 2

Appointed the Honorable Thomas C. Pitcherello to fill the vacancy  
of Executive Branch of State Government Representative

Appointed Kevin S. Clark - Master HVACR Contractor 1  
Replaces Pelagio J. Gonzales - Master HVACR Contractor 1

Appointed the Honorable William C. Barham  
Master HVACR Contractor 2 - \_ Replaces Daniel G. Danko, Jr.

Angelo Ralph Papa, Jr. - HVACR Journeyperson - officially resigned

Timothy A. Griffith - Public Member 1 (absent)

Board Complement: (9):

As of this meeting date, one (1) vacancy exists for an HVACR Journeyperson with the resignation of Mr. Papa.

Page 2

HVACR Minutes - Wednesday, May 28, 2014

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Charles Manning, Regulatory Affairs

Rosemarie Baccile, Acting Executive Director

Steven Mattia, Government Representative - absent

Public Session Visitors:

Dan Danko, Danko Mechanical

James C. Franchino, James C. Franchino Agency

Eric DeGesero, Fuel Merchants Association of New Jersey

Mike Chokov, Trane

Vincent Tinervia, New Jersey State League of Master Plumbers

Michael Faraone, NJSLMP

Ronald Fabiano, RJ Fabiano Heating and Cooling

Patrick Lynch, IUOE Local 68

Patrick Stewart, ACCA-NJ

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Michael Maloney led the Board in the Pledge of Allegiance to the Flag.

1. CALL TO ORDER
2. ROLL CALL

APPROVAL OF MINUTES of APRIL 15, 2014 MEETING

A motion was made by Paul J. Mitchell and seconded by Dominic D. Demico, Jr. to approve the minutes. A vote was taken and the motion unanimously passed.

PUBLIC COMMENT:

On May 28, 2014, Chairman Maloney permitted each visitor in attendance with an opportunity to address the Board and state their comments and concerns. Comments were made. A motion was made by Paul J. Mitchell and seconded by Dominic D. Demico, Jr. to close the public comment period.

A vote was taken and the motion unanimously passed.

3, HVACR OPERATIVE DATE MARCH 1, 2014  
ON-LINE LICENSING APPLICATIONS FOR LICENSED HVACR CONTRACTORS  
DIVISION OF CONSUMER AFFAIRS WEBSITE

Applications for Master HVACR Contractors will be reviewed by Board Members

Discussion on grandfathering period:

Operative date March 1, 2014 - to end September 1, 2014

Applications for Master HVACR Contractors were reviewed by Board Members.  
A discussion was held regarding the grandfathering period and administrative tools for applying on-line /submitting documentation for Board review.

4 . CHARLES MANNING, REGULATORY ANALYST  
DIVISION OF CONSUMER AFFAIRS

- a• A-2456 - HVACR - new law on exemptions ~ PL 2014, c-8  
SIGNED BY GOVERNOR MAY 15, 2014

On May 28, 2014 the Board voted in a motion made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr. to propose and accept the language of this draft regulation as discussed. A vote was taken and the motion unanimously passed.

- b• Propane Rule

On May 28, 2014 the Board voted in a motion made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr. to propose and accept the language as discussed. A vote was taken and the motion unanimously passed.

5. INQUIRES SUBMITTED FOR BOARD DISCUSSION AND RESPONSE

Board Members discussed the inquiries submitted either by letter or email from the below individuals. These inquiries and the Board responses are detailed as follows:

- a• Eric DeGesero, Executive Vice President, Fuel Merchants Association of NJ  
May 5, 2014

Members referred to the existing regulations in responding that a Licensed Master HVACR contractor may serve as a bona fide representative for one entity. Liability insurance should be in place for the business. Mr. DeGesero was present for Board discussion.

- b• John Pantano, Ask Consumer Affairs email, May 19, 2014  
“Are testing and balancing contractors required to apply for the Hvacr License?”

Board response: Based on the Scope of Practice within the HVACR regulations, testing and balancing contractors must be licensed.

- c• Mack Stephen, MAQUET, Ask Consumer Affairs email May 21, 2014  
Questions posed regarding routine maintenance:

Board response:

The Board referred to Bill # 2456 signed into law May 15, 2014, which addresses routine maintenance, and directed Mr Stephen to both the new law and the HVACR regulations, Scope of Practice.

Blue seal licenses are issued by the Department of Community Affairs, Trenton, NJ. The HVACR Board has no jurisdiction with respect to blue seal licenses.

- d• Phil Weiss, HVAC Services, May 6, 2014 facsimile  
‘Does having one Master HVACR licensed individual in a company allow that company and its employees who are not Masters, to work in the State of New Jersey?’

Board response:

Yes, provided that the one Master HVACR licensed contractor is the registered with the HVACR Board as the bona fide representative (BFR) for that company, the employees of that entity may perform the HVACR services in accordance with the responsibilities of the BFR and the supervision aspects.

- e• James C. Franchino, Franchino Insurance, April 25, 2014 letter

Deputy Attorney General (DAG) Joseph A. Donofrio noted in response to questions raised concerning the bond form that the Board is not statutorily authorize to approve the bond form. The only requirement is that the HVACR licensee is bonded by the Department of Banking and Insurance.

Mr. Franchino was present for Board discussion on the issues raised in his correspondence.

- f• Angela Bragg, API Processing, April 22, 2014 facsimile  
“Does this board regulate compressed air installations? If mechanical and electrical work is subcontracted out do we need a license?”

Board response:

The HVACR Board does not regulate compressed air installations.  
Members noted that refrigerant requires the HVACR license.

- g• Donna Burke, Ask Consumer Affairs email May 8, 2014  
Based on existing HVACR regulations, those Master HVACR licensees who will not be providing services in the State of New Jersey, are not required to obtain liability insurance.

For those HVACR licensees who will be providing services in the State of New Jersey, the liability insurance must list the name of the licensed HVACR contractor and company.

All Master HVACR Contractors must secure a \$3,000 surety bond.

- h• Harold Wortham, Ask Consumer Affairs email May 12, 2014  
“Are public schools required to have a licensed HVACR person on staff if they do their own HVACR service and repairs?”

Board response:

Members referred to the bill # 2456 signed into law on May 15, 2014, citing exemptions for this circumstance.

- i• Dr. Kevin L. Kirkley, Sr. Campus President, Lincoln Technical Institute (LT)  
May 12, 2014 correspondence, offering 18 hr courses for grandfathering license

Board response:

The HVACR regulations specify the requirements to qualify for an HVACR License by grandfathering. The Board does not approve preparatory courses for the HVACR examination to take affect after the grandfathering period ends.

- j• Renee Kiggins CNA Surety, May 9, 2014 correspondence - bond form

Deputy Attorney General (DAG) Joseph A. Donofrio noted in response to questions raised concerning the bond form that the Board is not statutorily authorize to approve the bond form. The only requirement is that the HVACR licensee is bonded by the Department of Banking and Insurance.

- k• Josh Kayser, Josh Surety Bonds, May 2, 2013 email

Members reiterated their position with respect to the \$3,000 surety bond form required for all Master HVACR Contractors.

6. DIVISION OF LAW BILLING  
DARLENE KANE, BUDGET OFFICER, DIVISION OF CONSUMER AFFAIRS  
MEMORANDUM DATED APRIL 7, 2014

On May 28, 2014, the Board accepted the Division of Law billing in a motion made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr.

7. FUTURE MEETING DATES  
June 19, 2014

A motion was made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr. to proceed into Executive Session for application review. A vote was taken and the motion unanimously passed.

8. ADJOURNMENT  
The Board returned to Open Session to adjourn their meeting. A motion was made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr. to adjourn the meeting.

A vote was taken and the motion unanimously passed. The meeting ended at 3pm.

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Rosemarie S. Baccile  
Acting Executive Director  
State Board of Examiners of HVACR Contractors

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #15 - Wednesday, May 28, 2014

EXECUTIVE CLOSED SESSION - PAGE 7

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JOSEPH MALONEY                      1828198

On May 28, 2014, a motion was made by Mary Pranzatelli and seconded by Thomas C. Pitcherello to obtain more information from the applicant concerning his crime. A notarized statement is required detailing the facts and circumstances that led to his arrest and the 1998 restraining order.

A vote was taken and the motion unanimously passed.

JAMES MOLNAR                      1827122

On May 28, 2014, a motion was made by William C. Barham and seconded by Dominic D. Demico, Jr. to approve the applicant for a grandfathered Master HVACR license.

A vote was taken and the motion unanimously passed.

FREDERICK GOLDEN              1826550

On May 28, 2014, a motion was made by Paul J. Mitchell and seconded by Thomas C. Pitcherello to approve the applicant for a grandfathered Master HVACR license.

A vote was taken and the motion unanimously passed.

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #15 - Wednesday, May 28, 2014

EXECUTIVE CLOSED SESSION - PAGE 8

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MARTIN LEIBOWITZ      1814018

On May 28, 2014, a motion was made by Kevin S. Clark and seconded by Paul J. Mitchell to approve the applicant for a grandfathered Master HVACR license.

A vote was taken and the motion unanimously passed.

HARVET SCELSON      1820296

On May 28, 2014, a motion was made by Mary Pranzatelli and seconded by William C. Barham to schedule the applicant for an Investigative Inquiry based on the information he reported as to his status as a Megan's Law registrant. The application process should not continue until the Investigative Inquiry is scheduled and concluded by the Board and DAG.

A vote was taken and the motion unanimously passed.

RICKEY PARKER      1826061

On May 28, 2014, a motion was made by Mary Pranzatelli and seconded by Thomas C. Pitcherello to obtain more information from the applicant concerning his crime. A notarized statement is required detailing the facts and circumstances that led to his arrest.

A vote was taken and the motion unanimously passed.



State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #15 - Wednesday, May 28, 2014

EXECUTIVE CLOSED SESSION - PAGE 9

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TOLI PAPADOPOULOS 1825172

On May 28, 2014, a motion was made by Mary Pranzatelli and seconded by Thomas C. Pitcherello to approve the applicant for a grandfathered Master HVACR license.  
A vote was taken and the motion unanimously passed.

JOHN DILL 1821066

On May 28, 2014, a motion was made by Kevin S. Clark and seconded by Paul J. Mitchell to approve the applicant for a grandfathered Master HVACR license.  
A vote was taken and the motion unanimously passed.

THOMAS ROSTRON, JR. 1824513

RECUSAL: PAUL J MITCHELL

On May 28, 2014, a motion was made by Mary Pranzatelli and seconded by Kevin S. Clark to approve the applicant for a grandfathered Master HVACR license.  
A vote was taken and the motion unanimously passed.

WILBERT BLANDON 1824108

On May 28, 2014, a motion was made by Thomas C. Pitcherello and seconded by Dominic D. Demico, Jr. to approve the applicant for a grandfathered Master HVACR license.  
A vote was taken and the motion unanimously passed.

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #15 - Wednesday, May 28, 2014

EXECUTIVE CLOSED SESSION - PAGE 10

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JOSEPH MANGRELLA JR. 1818292

On May 28, 2014, a motion was made by Kevin S. Clark and seconded by Thomas C.

Pitcherello to approve the applicant for a grandfathered Master HVACR license.

A vote was taken and the motion unanimously passed.

VINCENT SPIEZO 1823021

RECUSAL: MICHAEL MALONEY

On May 28, 2014, a motion was made by Kevin S. Clark and seconded by William C.

Barham to approve the applicant for a grandfathered Master HVACR license.

A vote was taken and the motion unanimously passed.

NEIL MAHER 1815356

On May 28, 2014, a motion was made by Domenic D, Demico,

Jr. and seconded by Kevin S. Clark to approve the applicant for a grandfathered Master  
HVACR license.

A vote was taken and the motion unanimously passed.

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #15 - Wednesday, May 28, 2014

EXECUTIVE CLOSED SESSION - PAGE 11 \*

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JUAN DELGADO 1818746

On May 28, 2014, a motion was made by Paul J. Mitchell, Jr. and seconded by Domenic D.

Demico, Jr. to approve the applicant for a grandfathered Master HVACR license.

A vote was taken and the motion unanimously passed.

CHARLES R. JONES REVOKED LICENSED MASTER PLUMBER

On May 28, 2014 the Board acknowledged the match in the social security number of CHARLES R. JONES who has been revoked by the State Board of Examiners of Master Plumbers for issues of falsifying aspects of his plumbing license. A formal revocation is on file.

Members of the HVACR Board noted this revocation and sought to officially deny his application for a Master HVACR license in a motion made by Kevin S. Clark and seconded by Paul J. Mitchell. DAG DONOFRIO will proceed with a Provisional Order of Denial.

A vote was taken and the motion unanimously passed.

RETURN TO OPEN SESSION: The Board returned to Open session to adjourn their meeting.